

Appendix D

Class VI Primacy Application Checklist for Both New UIC Programs and UIC Program Revision Applications

Class VI Primacy Application Checklist for Both New UIC Programs and UIC Program Revision Applications

The following Primacy Application Checklist is intended to aid states in ensuring that they have assembled all the necessary documentation for a primacy program application. While it includes the required elements of a primacy program application, it is not a comprehensive list. Therefore, states should refer to 40 CFR 145 Subpart B (“Requirements for State Programs”) and 40 CFR 145 Subpart C (“State Program Submissions”) for additional information. In addition, states submitting a New UIC Program Application should also refer to 40 CFR 124 (“Procedures for Decision-making”) for more information on the primacy and public participation requirements of the UIC Program that have to be met before submitting a New UIC Program Application to EPA. Additional information on primacy application materials and requirements can be found in Sections 3 and 4 of this manual.

In addition to completing this checklist below, states can also use the Federal/State Regulatory Comparison Crosswalk for a New UIC Program Application included in Appendix B or the Federal/State Regulation Comparison Crosswalk for UIC Program Revisions (for independent Class VI) in Appendix C to help identify state statutory or regulatory provisions that correspond to each federal requirement. A completed crosswalk will help EPA in reviewing the state application for UIC/Class VI program primacy.

REQUIRED ITEM		INCLUDED?
REQUIRED ELEMENTS FOUND IN 40 CFR 145.11 – 145.14 SUBPART B		Yes <input type="checkbox"/> No <input type="checkbox"/>
REQUIRED ELEMENTS FOUND IN 40 CFR 145 SUBPART C (see below)		
<i>New SDWA Section 1422 UIC Program Primacy Applications</i>		
A letter from the Governor of the state requesting program approval as required by 40 CFR 145.22(a)(1)		Yes <input type="checkbox"/> No <input type="checkbox"/>
A complete program description as required by 40 CFR 145.23		Yes <input type="checkbox"/> No <input type="checkbox"/>
	A narrative on the scope, structure, coverage, and processes of the state program [40 CFR 145.23(a)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A description of the organizational structure for the Primacy Agency or agencies [40 CFR 145.23(b)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Description of the responsibilities of each agency and the procedures for coordination if UIC Program is administered by multiple agencies [40 CFR 145.23(b)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Organization charts [40 CFR 145.23(b)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Estimated costs and sources of funding for implementing the program for the first two years [40 CFR 145.23(b)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A description of permitting, administrative, and judicial review procedures [40 CFR 145.23(c)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Copies of permit, application, reporting, and manifest forms [40 CFR 145.23(d)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A description of the state’s compliance tracking and enforcement program [40 CFR 145.23(e)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A schedule for issuing permits [40 CFR 145.23(f)(1)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
A statement of the state’s priorities for issuing Class VI permits and the number of permits that will be issued [40 CFR 145.23(f)(2)]		Yes <input type="checkbox"/> No <input type="checkbox"/>

	A description of how the state will meet the mechanical integrity testing requirements [40 CFR 145.23(f)(3)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A description of the state's procedures to notify owners or operators of injection wells of the requirement that they apply for and obtain a permit [40 CFR 145.23(f)(4)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A description of how the state will establish and maintain a UIC well inventory [40 CFR 145.23(f)(7)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A description of exempted aquifers, expansions of the areal extent of existing aquifer exemptions for Class II EOR/EGR transitioning to Class VI injection, and a summary of supporting data and the specific locations [40 CFR 145.23(f)(9)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A description of the state's transboundary notification procedures [40 CFR 145.23(f)(13)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A description of procedures for documenting interstate consultations [40 CFR 145.23(f)(13)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	An Attorney General's statement as required by 40 CFR 145.24	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A Memorandum of Agreement with the EPA Regional Administrator as required by 40 CFR 145.25	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Copies of all applicable state statutes and regulations, including those governing State administrative procedures as required by 40 CFR 145.22(a)(5)	Yes <input type="checkbox"/> No <input type="checkbox"/>
	The Federal/State Regulation Comparison Crosswalk (Appendix B of this Manual)	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A demonstration of compliance with public participation requirements as required by 40 CFR 145.22(a)(6) and 145.31(a)-(b)	Yes <input type="checkbox"/> No <input type="checkbox"/>
	State issued public notice of the intent to adopt a UIC Program and seek approval from EPA: circulated statewide by large newspapers, and mailing directly to interested persons	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Notice indicates when and where the State's proposed program submission may be reviewed by the public	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Notice indicates the cost of obtaining a copy of the submission	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Notice provides for a 30-day public comment period	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Notice schedules a public hearing on the state program	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Notice briefly outlines the fundamental aspects of the State UIC Program	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Notice identifies a person that the public can contact for further information	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Copies of all written comments received by the state	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A transcript, recording, or summary of any public hearings	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Responsiveness summary	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Compliance with requirements of 40 CFR 124	Yes <input type="checkbox"/> No <input type="checkbox"/>
	<i>SDWA Section 1422 UIC Program Revision Primacy Applications</i>	
	A modified program description	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A description of the organizational structure for the Primacy Agency [40 CFR 145.23(b)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Description of the responsibilities of each agency and the procedures for coordination if UIC Program is administered by multiple agencies [40 CFR 145.23(b)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Organization charts [40 CFR 145.23(b)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A schedule for issuing permits [40 CFR 145.23(f)(1)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A statement of the state's priorities for issuing Class VI permits and the number of permits that will be issued [40 CFR 145.23(f)(2)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A description of how the state will meet the new mechanical integrity testing	Yes <input type="checkbox"/> No <input type="checkbox"/>

requirements [40 CFR 145.23(f)(3)]	
A description of the state's procedures to notify owners or operators of Class I wells previously permitted for geologic sequestration, or any Class V experimental technology wells that are no longer experimental but will continue to inject carbon dioxide for GS, of the requirement that they apply for and obtain a permit [40 CFR 145.23(f)(4)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
A description of exempted aquifers, expansions of the areal extent of existing aquifer exemptions for Class II EOR/EGR transitioning to Class VI injection, and a summary of supporting data and the specific locations. [40 CFR 145.23(f)(9)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
A description of the state's transboundary notification procedures [40 CFR 145.23(f)(13)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
A description of procedures for documenting interstate consultations [40 CFR 145.23(f)(13)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
An updated Attorney General's statement as required by 40 CFR 145.24	Yes <input type="checkbox"/> No <input type="checkbox"/>
A revised Memorandum of Agreement with the EPA Regional Administrator as required by 40 CFR 145.25	Yes <input type="checkbox"/> No <input type="checkbox"/>
Copies of all applicable state statutes and regulations, including those governing State administrative procedures as required by 40 CFR 145.25.22(a)(5)	Yes <input type="checkbox"/> No <input type="checkbox"/>
The Federal/State Regulation Comparison Crosswalk (Appendix C of this Manual)	Yes <input type="checkbox"/> No <input type="checkbox"/>